



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**  
DIVISION OF PROFESSIONAL REGULATION

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<b>MEETING MINUTES:</b>	<b>BOARD OF GAMING</b>
<b>MEETING DATE AND TIME:</b>	<b>Thursday, June 3, 2010 at 1:00 p.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room B</b> , second floor of the Cannon Building
<b>APPROVED:</b>	July 1, 2010

**MEMBERS PRESENT**

James Greene, Chairman, DE Volunteer Fireman's Association Member  
Deborah Messina, Vice Chairperson, Public Member  
Sharon McDowell, Public Member  
Scott Angelucci, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Eileen Heeney, Deputy Attorney General  
Renee' Holt, Administrative Specialist II  
Sandra Wagner, Administrative Specialist III

**MEMBERS ABSENT**

Brad Barrie, Public Member

**ALSO PRESENT**

Lorena Hartnett, Wilcox & Fetzer, Court Reporter  
Barbara Gadbois, Esq. Deputy Attorney General  
Paul Eihinger, Investigator, Division of Professional Regulation  
William Shane Anderson  
C. W. Clayton  
Aaron Hemphill, Charitable Games of DE  
Chip Thompson, Charitable Games of DE  
Wayne English, ABS (Atlantic Bingo Supply) Distributors

**CALL TO ORDER**

Mr. Greene called the meeting to order at 1:04 p.m.

Ms. Messina made a motion to amend the agenda to go into Executive Session at 1:05 p.m. for the review of Individual Texas Hold 'Em Dealer applications. Ms. McDowell seconded the motion. The motion was unanimously approved.

**Executive Session**

Review of Application(s) for Individual Texas Hold'Em Dealer

The Board reviewed the application of Michael Desiderio. Ms. Messina made a motion, seconded by Ms. McDowell to end Executive Session at 1:11pm. The motion was unanimously approved.

Ms. Messina made a motion, seconded by Ms. McDowell to approve the application for Individual Texas Hold'Em Dealer License. The motion was unanimously approved.

### **DISCIPLINARY HEARING**

#### ***DISCIPLINARY HEARING - William Shane Anderson – Complaint# 22-03-08***

**PRESENT:** James Greene, Sharon McDowell, Scott Angelucci

**RECUSED:** Deborah Messina, Vice Chairperson

**EXCUSED:** Brad Barrie

**PURPOSE:** Disciplinary Hearing secondary to 24 Del C. 1922(a)(2).

**PRESIDING:** James Greene, Chairman

**BOARD STAFF:** Renee' M. Holt, Administrative Specialist II; Sandra Wagner, Administrative Specialist III

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Eileen Heeney, DAG

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** Barbara Gadbois, DAG

**RESPONDENT:** William Shane Anderson

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** William Shane Anderson; Paul Eihinger, Investigator, Division of Professional Regulation (left the hearing at 2:06 p.m. – gave no testimony)

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT:** Lorena Hartnett, Wilcox and Fetzer

**TIME STARTED:** 1:14 p.m.

Ms. Heeney read the purpose of the hearing. The court reporter took verbatim testimony. Ms. Heeney stated Ms. Messina was the contact person for the complaint and recused herself from the hearing. Ms. Gadbois stated she had provided the State's exhibits to Mr. Anderson. Ms. Gadbois asked that they be admitted as State's Exhibit 1. Mr. Anderson objected to some of the exhibits. Mr. Anderson withdrew his objection. The State's Exhibit 1 was distributed to the Board. There were no more preliminary matters.

Ms. Gadbois made opening statements. Mr. Anderson made opening statements. Ms. Gadbois made additional statements concerning Mr. Anderson's statements. Ms. Gadbois made stipulations to accept Mr. Anderson's agreement to have the license revoked. Ms. Heeney clarified Ms. Gadbois's conditions regarding not going forward with a full hearing, but allowing Mr. Anderson to, under oath, agree to the items in the complaint. Mr. Anderson did not agree to the items. Ms. Gadbois called Mr. Anderson as the State's first witness. Mr. Anderson was sworn in by the court reporter. Ms. Heeney confirmed with Mr. Anderson that he was aware of his right for representation and he was aware of his right and was present without representation. Mr. Anderson objected to the hearing going forward. Mr. Anderson stated he did not understand why, if he was willing to have his license permanently revoked, the Board had to listen to him admit to all the charges in the State's complaint. Mr. Anderson made a formal statement that he did not intend to answer any questions posed by the State of Delaware. Ms. Gadbois distributed State's Exhibit 2 to the Board. Ms. Gadbois reviewed the exhibit. Ms. Gadbois distributed State's Exhibit 3 to the Board. Ms. Gadbois reviewed the exhibit. Ms.

Gadbois distributed State's Exhibit 4 to the Board. Ms. Gadbois reviewed the exhibit. Mr. Anderson left the hearing at 1:55 p.m. Mr. Anderson returned to the hearing at 1:56 p.m. Ms. Gadbois distributed State's Exhibit 5 to the Board. Mr. Greene questioned Mr. Anderson. Mr. Anderson gave testimony. Ms. Gadbois reviewed the exhibit. Ms. Gadbois distributed State's Exhibit 6 to the Board and reviewed the exhibit. Mr. Anderson left the hearing at 2:06 p.m. Mr. Eihinger left the hearing at 2:06 p.m. Ms. Gadbois distributed State's Exhibit 8 to the Board. Ms. Gadbois responded to questions from the Board. Mr. Anderson returned to the hearing at 2:08 p.m. Mr. Anderson made a statement to the Board and stated he would not remain at the hearing. Mr. Angelucci addressed Mr. Anderson. Mr. Greene addressed Mr. Anderson. Mr. Anderson left the hearing at 2:12 p.m. Ms. Gadbois reviewed State's Exhibit 8. Ms. Gadbois distributed State's Exhibit 9 to the Board and reviewed the exhibit. Ms. Gadbois distributed State's Exhibit 7 and responded to questions from the Board. Ms. Gadbois made closing remarks and referred to State's Exhibit 7 which contained excerpts of Title 28 that pertained to the disciplinary hearing. Mr. Greene addressed Ms. Gadbois.

The board went off the record at 2:38 p.m. for deliberations. The hearing resumed at 3:08 p.m.

**FINAL ORDER:** Mr. Angelucci made a motion that the State had met the burden of proof and that the Board permanently revoke the license of William Shane Anderson, and require Mr. Anderson to pay a fine of \$1000 to be paid within 90 days of the Board Order, and that the Board finds Mr. Anderson unsuitable to be involved in Charitable Gambling under §1132. Ms. McDowell seconded the motion. The motion was unanimously approved.

The hearing concluded at 3:10 p.m.

The meeting recessed at 3:11 p.m. The meeting resumed at 3:19 pm.

### **REVIEW AND APPROVAL OF MINUTES**

The Board reviewed the meeting minutes of May 6, 2010. Ms. Messina made a motion, seconded by Mr. Angelucci to approve the minutes. The motion was unanimously approved.

### **UNFINISHED BUSINESS**

#### Final Denials

Haitian Congress to Fortify Haiti (proposed to deny April 1, 2010) – No hearing was requested. Ms. Messina made a motion to deny the application for Raffle Event, seconded by Ms. Mc Dowell. The motion was unanimously approved.

### **NEW BUSINESS**

#### Board Member Reports

Ms. Messina reported she had read an article about Mr. Collins from last week and was happy to see Mr. Collins had an interest in the investigative process. Ms. Messina requested a report of 6 month totals of events in the same format as prior reports for January – June 2010 for legislative questions.

Ms. Messina stated she brought copies of IRS changes for the charitable organizations and staff to utilize.

Ms. Messina requested a full list of all Third Party Vendors with business name, address.

Ms. Messina stated the last rule changes were published June 1, 2010 in the Register of Regulations and would be effective June 11, 2010.

#### Review of Application(s) for Texas Hold'Em Tournament

The Board reviewed the application of Christiana Fire Company. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application. The motion was unanimously approved.

The Board reviewed the application of Hall Burke 5447 VFW Ladies Auxiliary. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application. The motion was unanimously approved.

Review of Application(s) for Charitable Gambling Event(s)

The Board reviewed the application for The Wellness Community. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application. The motion was unanimously approved.

The Board reviewed the application Sussex County Aerie 4528. Ms. Messina stated the organization was not eligible to conduct Charitable Gambling events because it had not been in existence for at least 2 years. Mr. Greene made a motion, seconded by Ms. McDowell to propose to deny the application. The motion was unanimously approved.

The Board reviewed the application for Rehoboth Beach Main Street. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of delinquent after occasion report(s). The motion was unanimously approved.

The Board reviewed the applications for Laurel Fire Department and Independent Order of Odd Fellows. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the applications. The motion was unanimously approved.

The Board reviewed the application for First State Harmonizers. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of the organization's bylaws. The motion was unanimously approved.

The Board reviewed the application for Georgetown Public Library. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of a letter explaining why the event was not being held on the organization's site. The motion was unanimously approved.

The Board reviewed the application for the Kiwanis Club of Georgetown. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of a letter explaining why the event was not being held on the organization's site. The motion was unanimously approved.

The Board reviewed the applications for Hall Burke 5447 VFW Ladies Auxiliary, St. Elizabeth Ann Seton, American Diabetes Assoc., Delaware Diamonds White Fast Pitch Assoc., and Metropolitan Community Church of Rehoboth (Ms. Messina noted the *GROUP Exemption* was applicable and the number of events allowed were to be shared with the parent organization.). Mr. Greene made a motion, seconded by Ms. McDowell to approve the applications. The motion was unanimously approved.

The Board reviewed the application for National Federation of the Blind of DE. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of the letter authorizing the use of the facility. The motion was unanimously approved.

The Board reviewed the application for Mirworth Enterprises dba The Children's Theatre of DelMarVa. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application. The motion was unanimously approved.

Review of Application(s) for Bingo Event(s)

The Board reviewed the application for CHEER Inc. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application. The motion was unanimously approved.

The Board reviewed the application for Minquaddale Fire Co. Ms. Messina made a motion to approve the application contingent upon receipt of a correct prize list with values, Ms. McDowell seconded the motion. The motion was unanimously approved.

Ms. Messina reviewed the application for Sgt William Lloyd Nelson VFW 3792. Ms. Messina stated for the minutes that the Board helped this organization two months ago regarding late after occasion reports. Mr. Greene made a motion, seconded by Mr. Angelucci to propose to deny the application due to missing after occasion reports. The motion was unanimously approved.

The Board reviewed the application for Cape Henlopen Senior Center. Ms. Messina stated the organization must change the start time from 12:30 to at least 1:30 pm for the June 9<sup>th</sup> event. Ms. Messina made a motion to approve the application contingent upon the organization adjusting the start time for the June 9<sup>th</sup> event. Ms. McDowell seconded the motion. The motion was unanimously approved.

The Board reviewed the application for Cheswold Volunteer Fire Company. Mr. Angelucci made a motion, seconded by Ms. McDowell to approve the application contingent upon receipt of delinquent after occasion reports. The motion was unanimously approved.

The Board reviewed the applications for Delaware State Troopers Association and St. Elizabeth Ann Seton. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application. The motion was unanimously approved.

#### Review of Application(s) for Raffle(s)

The Board reviewed the application of the Kennett Symphony. Ms. Messina stated the organization was not a State of Delaware Charitable Organization. Ms. Messina made a motion, seconded by Ms. McDowell to propose to deny the application. The motion was unanimously approved.

The Board reviewed the application for National Multiple Sclerosis Society. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of the letter of authorization of use of the facility. The motion was unanimously approved.

The Board reviewed the application for the Cystic Fibrosis Foundation. Ms. McDowell made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of responses to questions 10 and 5 and delinquent after occasion report. The motion was unanimously approved.

The Board reviewed the application for Little Sisters of the Poor. After review of the events applied for, the Board determined the organization needed to pay the appropriate fee for all 11 dates requested. Ms. Messina made a motion, seconded by Mr. Angelucci to approve the application pending receipt of payment for the additional 10 event dates listed on the application. The motion was unanimously approved.

#### Review of Application(s) for Instant Bingo

There were no applications for Instant Bingo.

#### Review of Request to Change Date/Venue of Approved Event

The Board reviewed the request from Homeless Cat Helpers Inc to change the start times for events approved for July 24, 2010 and August 19, 2010. Ms. Messina made a motion, seconded by Mr. Angelucci to approve the time change request. The motion was unanimously approved.

#### Approval of Licensure List

Mr. Angelucci read the licensure list for Texas Hold'Em Tournaments. Ms. Messina made a motion, seconded by Ms. McDowell to approve the licensure list. The motion was unanimously approved.

Mr. Angelucci read the licensure list for Charitable Gambling Events. Mr. Greene made a motion, seconded by Ms. McDowell to approve the licensure list. The motion was unanimously approved.

Ms. Messina read the licensure list for Bingo. Mr. Angelucci made a motion, seconded by Ms. McDowell to approve the licensure list. The motion was unanimously approved.

Ms. Messina read the licensure list for Raffle. Mr. Angelucci made a motion, seconded by Ms. McDowell to approve the licensure list. The motion was unanimously approved.

#### Hearings/Consent Agreements

There were no hearings scheduled and no consent agreements to sign.

#### Complaint Assignment and Status

Ms. McDowell confirmed she had received Complaint #22-15-10 and #22-16-10.

#### Delegation of Authority (permits issued)

There were no permits issued under the Delegation of Authority.

#### Clarification of Allowable Raffle types and raffles that do not need permits – from inquiries to Mr. Willard

#### Other Business Before the Board (for discussion only)

Mr. Greene asked Ms. Holt to compile a list of Board decisions from past meetings.

Mr. Greene posed to the Board the request of Mr. Collins to delegate authority to the Division to issue clean Bingo licenses temporarily to try the process out. Mr. Greene stated the new procedure was a trial and could be reversed at any time. Ms. Messina emphasized the delegation to issue permits was for "clean" Bingo applications ONLY and not Instant Bingo, Charitable Gambling, or Raffle events. Mr. Greene stated the Division staff was to contact Ms. Messina for any questions.

#### **PUBLIC COMMENT**

The Board recognized Wayne English of Atlantic Bingo Supply (ABS Distributors). Mr. English inquired if the State was considering allowing private poker rooms to hold private bingo sessions. Ms. Messina stated the Board was not aware of any consideration.

Mr. English asked if there was an Instant Bingo one day license. The Board confirmed the Instant Bingo license was a one year license and the Board did not have plans to change that license period at this time.

Mr. English asked if more than one game (bingo) could be paid out for \$250.00. Mr. English then asked the definition of "game". The Board confirmed that there was no limit for how many \$250.00 single games were played as long as the organization maintained the total prize limit of \$1250.00 per event.

Mr. English inquired if the Board had made any decision on computerized bingo cards. The Board stated they were still researching other state's laws and had not made a final decision.

Mr. English asked if there was an admission price limit on how much an organization could charge and was the organization required to charge an admission fee. The Board asked for clarification. Mr. English asked if an organization could charge an entrance fee and add a specified amount to that fee to be put into the "Cookie Jar". Ms. Messina clarified a patron must have the right to chose to participate in the "Cookie Jar" and the fee could not be included into a package and a patron could not be required to participate.

Mr. English asked if the organization could sell more than one "Cookie Jar" at a time. Ms. Messina clarified that there could be no more than two jars at one time.

**NEXT MEETING**

The next scheduled Board meeting is July 1, 2010 at 1:00 p.m., located at 861 Silver Lake Boulevard, Cannon Building, Conference Room B, Dover, Delaware.

**ADJOURNMENT**

There being no further business before the Board, Mr. Angelucci made a motion, seconded by Ms. Messina to adjourn the meeting at 4:37 p.m. The motion was unanimously approved.

Respectfully Submitted,

A handwritten signature in black ink that reads "Renee' M. Holt". The signature is written in a cursive, flowing style.

Renee' M. Holt  
Administrative Specialist II